

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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| IN RE VEECO INSTRUMENTS INC. | : | 05 MD 1695 (CM)(GAY) |
| SECURITIES LITIGATION | : | |
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| THIS DOCUMENT RELATES TO: | : | |
| SECURITIES LITIGATION | : | |
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**MEMORANDUM OF LAW IN SUPPORT OF DEFENDANTS'
MOTION *IN LIMINE* TO PRECLUDE EVIDENCE
REGARDING VEECO'S USE OF FISCAL QUARTERS**

**(FILED UNDER SEAL PURSUANT TO CONFIDENTIALITY ORDER
DATED MAY 16, 2006)**

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June 6, 2007